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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,640	08/04/2000	Jean M. Goldschmidt Iki	042390.PP4495C	2303

7590 09/01/2004

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EXAMINER

RETITA, YEHDEGA

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 09/01/2004

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GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/632,640
Filing Date: August 04, 2000
Appellant(s): GOLDSCHMIDT IKI ET AL.

GOLDSCHMIDT IKI ET AL.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 22, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is deficient because the summary includes statement, which is has no support in the specification. Appellant states, "In one example in the specification (see e.g. page 14, line 22, to page 15 line 8), the transactional information is sent by a television broadcast via cable, satellite or airwaves to a home entertainment system together with the television programming. The specification does not disclose the transaction information being sent by television broadcast via cable, satellite etc.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

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Appellant's brief includes a statement that claims 1-20 and 46-67 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

6012144	PICKETT	1-2000
5,974,146	RANDLE et al.	10-1999

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 13-19, 46-55, 57-65 and 67 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Pickett U.S. Patent No. 6,012,144.

Regarding claims 1-7, 13 Pickett teaches sending transaction information, with broadcast data, to consumer from an electronic commerce ... using Internet/computer network interface;

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receiving transaction request at the electronic commerce... sending the transaction request and consumer information via secure channel from electronic commerce to server, using Internet connection (see col. 3 line 43 to col. 8 line 56).

Regarding claims 8, 9, 54, 55, 64 and 65 Pickett teaches verifying consumer ...(see col. 6 line 59 to col. 7 line 12).

Regarding claims 14-19 Pickett teaches sending transaction information, with broadcast data, to consumer from an electronic commerce... using Internet/computer network interface; receiving transaction request at the electronic commerce... sending the transaction request and consumer information via secure channel from electronic commerce to server, using Internet connection (see col. 3 line 43 to col. 8 line 56).

- Regarding claims 46-53 and 57 Pickett teaches sending transaction information, including information about a product or service, through a broadcast communication medium, to consumer from an electronic commerce ... using Internet/computer network interface; receiving transaction request at the electronic commerce... forwarding the transaction request and consumer information via secure channel from electronic commerce to server, using Internet connection (see col. 3 line 43 to col. 8 line 56).

Regarding claims 58-63 and 67 Pickett teaches sending transaction information, including information about a product or service, through a broadcast communication medium, to consumer from an electronic commerce ... using Internet/computer network interface; receiving transaction request at the electronic commerce... forwarding the transaction request and consumer information via secure channel from electronic commerce to server, using Internet connection (see col. 3 line 43 to col. 8 line 56).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-12, 20, 56 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pickett. U.S. Patent No. 6,012,144 and further in view of Randle et al. U.S. Patent No. 5,974,146.

Regarding claim 10-12, 20, 56 and 66, Pickett does not explicitly teach verifying business and information containing at least one of name, address etc. Randle teaches a central clearinghouse representing banks verifying merchants by performing identification protocol to assure the customer and the merchants are valid. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Pickett's transaction system and Randle's "hot file" in order to assure customers and merchants are legitimate.

(11) *Response to Argument*

Appellant in his argument states, that (Pickett) failed to show "sending transaction information via a broadcast channel". Appellant states that Pickett teaches user accessing a Web page containing an order form. Appellant argues that the paragraph submitted by Examiner (page 9) describes a source of "broadcast data" rather than broadcast channels and directs the Board's attention to pages 14 and 15.

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On pages 14 and 15, the specification discloses, according to one embodiment of the present invention the information distributor may be a network interface or a telephone interface that sends transactional information to the client system over the Internet or over a direct phone connection and according to a second embodiment where the electronic commerce system is used to broadcasting broadcast data, the information distributor may be a vertical blanking interval encoder, a cable link encoder, or a satellite link encoder that transmits transitional information over a vertical blanking intervals, available cable bandwidth or available satellite bandwidth during the transmission of broadcast data (see page 15 lines 1-8). The specification (lines 18-25), discloses, in one embodiment the transaction information is sent over the Internet to a user on a client system or may be sent via a direct phone connection, vertical blanking intervals of broadcast data, or via other communication mediums. On page 9 lines 6-18, the specification discloses an entertainment system 200 configured to receive broadcast data from any or all of the following sources: cable broadcast, satellite broadcast, VHF or UHF, telephone/computer network interface 244. Nowhere in the specification does Appellant disclose whether the vertical blanking interval or the available cable bandwidth or available satellite bandwidth, or other communication medium is the “broadcast channel”. Examiner would like to point out that dependent claim 4, recites the method of claim 2 wherein sending the transaction information along with the broadcast data comprises sending using at least one of cable broadcast, satellite broadcast, very high frequency (VHF) radio frequency communication of broadcast network, ultra high frequency (UHF) radio frequency communication of broadcast networks and a telephone/computer network interface. Appellant show no consistency to the use of the term “broadcast channel”. Appellant, in regard to claim 1, argues that the Internet is not a

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broadcast channel and then claims sending the transaction information along with the broadcast data using a telephone/computer network interface. Furthermore, claim 5 recites wherein the network connection comprises an insecure Internet connection. Let's assume that Appellant is claiming sending the transaction information through a Vertical Blanking Interval (over television signal), as argued by Appellant, and the transaction request in response to the transaction information sent through the VBI, is received via a network connection, which per claim 5 is the Internet. This recitation indicates that the transaction information is sent with TV signal and the request is received via the Internet, two different communication medium used to send and receive information. However, Appellant's specification does not teach such system. Therefore, in light of Appellant's specification and as best understood and using the broadest reasonable interpretation, "broadcast channel" is one of the cable broadcast, satellite broadcast, VHF, UHF and telephone/computer network interface 244.

Applicant also argues that by claiming "sending transaction information ... from an electronic commerce system ... relating to a product or service that is for sale by a business" the recitation sets up two different entities, the electronic commerce system and the selling business. And Pickett shows selling entity not an electronic commerce. There are no two different entities recited. The claim recites one system (computer) providing business. Appellant's specification also teaches one system (electronic commerce system 130) sending transaction information. According to Appellants specification the "electronic commerce" is disclosed as a system which sends transactional information to a client computer (page 6 lines 15-20, page 7 lines 1-7), the specification also discloses that a request may include an identifier ... and a transaction identifier that identifies a business and a product sold by the business (page 13 lines 9-18). Therefore, in

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light of Applicant's specification, the electronic commerce system is a computer, host or server, which sells product of a business. Pickett also teaches an "electronic commerce system", selling product or service sending transaction information to client.

Appellant's argument in regard to the claimed feature "sending ... to a server system of the business to which the transaction information relates, the consumer information including credit information about the consumer", Examiner interpretation is that the transaction request is sent to a server system (credit card company) to which the transaction information relates since the information includes credit information and identification of the consumer. Appellant states that in Pickett credit information will not be sent to the credit card company since the credit card company already has a credit information, further appellant states Pickett's authorization request is sent to the credit card company so that the credit card company can apply its own credit information. And further states the credit card company in Pickett is not selling the product or service. Pickett teaches sending consumer's credit card number along with expiration data and consumer name (see col. 7 lines 1-12). If Appellant by claiming "sending the transaction request and consumer information from the electronic commerce system to a server system of the business to which the transaction relates means sending the information from a system, to company selling product or services, then Appellant has no support in the specification for the claimed feature. Appellants specification teaches communication between a consumer and electronic commerce system (which transmits transaction information of a business) through insecure transmission medium and communication between the electronic commerce and a server system, which receives sensitive information and consumer request from the electronic commerce through secure channel (see page 6) and according to an alternative embodiment the

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server sends transaction information to the client. Appellant's specification does not teach communication between a consumer, electronic commerce and a business. Therefore, as best understood by the Examiner and in light of Appellants specification, there is no patentable difference between Appellant's server system and Pickett's credit card system as claimed. For the above reasons, it is believed that the rejections should be sustained.



Respectfully submitted,

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August 26, 2004

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